IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: RAILWAY INDUSTRY	)	Master Docket Misc. No. 18-798
EMPLOYEE NO-POACH ANTITRUST	)	
LITIGATION	)	MDL No. 2850
	)	
This Document Relates to:	)	
ALL ACTIONS	)	

[PROPOSED] ORDER APPOINTING INTERIM CO-LEAD CLASS COUNSEL

The Court HEREBY ORDERS as follows:

I.   Appointment of Interim Co-Lead Class Counsel

Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, to promote the efficient management of the MDL, and pursuant to the guidance of the Manual for Complex Litigation (Fourth) § 40.22, the Court appoints the following attorneys and firms as Interim Co-Lead Class Counsel, and designates them to act on behalf of all Plaintiffs in *In re: Railway Industry Employee No-Poach Antitrust Litigation*, MDL No. 2850 (the "Action"), with responsibilities hereinafter described:

Dean M. Harvey	**Roberta D. Liebenberg**
Lieff Cabraser Heimann & Bernstein, LLP	**Fine, Kaplan and Black, R.P.C.**
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Interim Co-Lead Class Counsel shall have the authority and responsibility for the day-to-day management of the interests of the Plaintiffs in this Action, and shall have responsibility for major decisions on behalf of Plaintiffs and Plaintiffs' counsel regarding the overall prosecution of this Action, including without limitation having sole authority over the following matters on behalf of Plaintiffs:

1. Preparing and filing a consolidated class action complaint (the "Consolidated Complaint");

2. Meeting and conferring with Defendants for the purpose of submitting to the Court a schedule governing discovery, and otherwise communicating with Defendants' counsel and the Court on behalf of all Plaintiffs, unless that authority is expressly delegated to other counsel;

3. Initiating, responding, scheduling, briefing, and arguing all motions on behalf of Plaintiffs;

4. Conducting all discovery proceedings, including designating the counsel who will take any deposition on behalf of all Plaintiffs and serving discovery requests on behalf of all Plaintiffs;

5. Preparing and distributing any status reports to the Court;

6. Retaining Plaintiffs' testifying experts and non-testifying consultants;

7. Designating which attorneys may appear and speak on behalf of Plaintiffs at hearings and conferences with the Court;

8. Calling meetings of Plaintiffs' counsel and assigning all work to Plaintiffs' counsel to facilitate the orderly and efficient prosecution of this Action;

9. Monitoring the work being performed by Plaintiffs' counsel, including by requiring Plaintiffs' counsel to submit time and expense reports in a format approved by Plaintiffs' Interim Co-Lead Class Counsel;

10. Entering into stipulations with all interested parties;

11. Exploring, developing, and pursuing settlement options on behalf of the Plaintiffs, and when they have received express authorization to do so, entering into binding agreements;

12. Submitting requests that the Court approve settlements, if any, and fee awards;

13.   Conducting trial and post-trial proceedings;

14.   Allocating any attorneys' fees awarded by the Court to the various firms that have worked on this Action;

15.   Negotiating and coordinating with any other plaintiffs or groups that may be transferred into or made a part of this MDL; and

16.   Addressing other matters concerning the prosecution or resolution of this Action, including any other duties as may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by further order of the Court.

Defendants' counsel may rely on all agreements made with Interim Co-Lead Class Counsel, and such agreements shall be binding on all other Plaintiffs' counsel in their respective actions.

II.   <u>Timekeeping</u>

The Court's goal is that any party seeking fees at the end of this litigation will be able to present to the Court clear and definitive records that were prepared as the fees and costs were incurred. To that end, the Court issues these guidelines. Interim Co-Lead Class Counsel are responsible for ensuring that the following guidelines are adhered to by all counsel who perform work in this Action:

1.   Any work performed on behalf of Plaintiffs or the proposed class must be pre-authorized by Interim Co-Lead Class Counsel, except with respect to work that already occurred prior to the entry of this order.

2.   By the end of each calendar month, Interim Co-Lead Class Counsel shall make sure that all time has been entered by all timekeepers in final form regarding the previous calendar month. Co-Lead Class Counsel shall maintain these records, and shall have authority to write-down or write-off time records they deem to reflect inefficiencies, duplication of effort, or the like.

3.   At the close of each calendar quarter, beginning December 31, 2018, Interim Co-Lead Class Counsel shall prepare a summary report of all time entered by all timekeepers to date, regarding work performed through the end of the calendar month preceding the end of each quarter. Interim Co-Lead Class Counsel shall submit its summary report to the Court for in-camera review at the close of each quarter.

4.   Time will be recorded contemporaneously and in one-tenths of an hour increments.

5.   Block-billing time records are not permitted. Time must instead be recorded by task. For example, an attorney may not record "7.8 hours" for "work on motion to dismiss opposition." Instead, the attorney must break out the 7.8 hours specifying the amount of time spent for each specific task performed, e.g., "review and analyze motion to dismiss brief (1.3); team meeting regarding arguments for opposition (0.8); legal research re X argument (3.3); draft X section of opposition brief (2.4)."

IT IS SO ORDERED.   BY THE COURT:

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The Honorable Joy Flowers Conti
Chief United States District Judge